



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,234	04/09/2001	Deepak Kishinchand Sadhwani	ARTA,003	8579
7590	07/13/2005		EXAMINER	
Mark R. Wisner Wisner & Associates Suite 400 1177 West Loop South Houston, TX 77027-9012			SHORTLEDGE, THOMAS E	
			ART UNIT	PAPER NUMBER
			2654	
			DATE MAILED: 07/13/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/829,234	SADHWANI ET AL.
	Examiner	Art Unit
	Thomas E. Shortledge	2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 April 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-14 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 09 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. This communication is in response to Remarks received 04/20/2005.
2. The objective to the specification has been withdrawn in accordance with the applicants' amendments.
3. The objection to claims 7 and 9 has been withdrawn in accordance with the applicants' amendments.
4. Claims 1-14 are pending in the application, claims 1 and 11 are independent.

Response to Arguments

5. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 11 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter

was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1 and 11 recite: *converting received information directly from a primary language to a secondary language without first converting into a textural format.* However, the method in which how the conversion is completed is not described to the extent to enable one skilled in the art to make or use the invention. The disclosure mentions directly converting the information into a French spoken message using appropriate translation software. Thus the information is converted from a primary language (English) into a secondary language (French) without first converting the information into a textural format (page 7, lines 16-19). The disclosure also mentions a direct audible to audible translation on page 8, lines 13-16, page 9, lines 8-10, and page 11, lines 1-8. The disclosure further states the conversion of information from first, primary language to secondary language is accomplished in information converting means using any of several known software applications for converting speech to speech (STS), speech to text (STT), text to text (TTT), and text to speech (TTS) that is stored in the memory of information converting means. Such software is available, for instance, from AT&T, New York, NY (STS and TTS), Lucent Technologies/Bell Labs, Basking Ridge, NJ (TSS), Lernout & Hauspie, Ieper, Belgium (STS and TTT), and Dragonspeak Systems, Inc., Newton, MA (STT) (page 11, lines 14-21).

However, the applicants state in Remarks (page 8, lines 7-13) that the applicants did not admit that software is available commercially for converting a primary language to a secondary language without first converting to text as recited in claim 1. The

applicants do not mention any other method or software application able to carryout the conversion, except for those mentioned above, and when the applicants do discuss software applications in other instances, it is done by mentioning the broad term translation software (disclosure page 7, lines 16-19). Therefore, the disclosure is not enabling, as it does not disclose a method in which the translation is carried out.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lyberg (5,826,234).

As to claim 1, Lyberg teaches:

receiving information in an audible format (input speech, col. 5, lines 20-23); and converting information from said information receiving means directly from a primary language to a secondary language without first converting into a textual format (the input speech is translated into the language of the counter party by dividing the input into polyphones, and finding the matching polyphones of a second language, and

outputting the second language. The polyphones are stored within a audible format within a database, allowing for a translation without first converting into a textural format, col. 4, lines 60-67, and col. 5, lines 17-35).

As to claim 11, Lyberg teaches:

receiving information in an audible format (input speech, col. 5, lines 20-23); and
converting information from said information receiving means directly from a primary language to a secondary language without first converting into a textual format (the input speech is translated into the language of the counter party by dividing the input into polyphones, and finding the matching polyphones of a second language, and outputting the second language. The polyphones are stored within a audible format within a database, allowing for a translation without first converting into a textural format, col. 4, lines 60-67, and col. 5, lines 17-35); and

forwarding the converted secondary language to an information recipient (synthesizing the translated speech, col. 5, lines 33-35).

As to claim 2, Lyberg teaches said audible format includes any humanly audible format than a facsimile format (the input is speech, col. 5, line 22).

As to claim 3, Lyberg teaches said audible format includes any one of voicemail format, landline telephone format, digital mobile phone format, analogue mobile phone

format, or other recorded voice format (translation of telephony between users, col. 5, lines 17-18).

As to claim 4, Lyberg teaches means for storing information (a database for storage, col. 4, lines 65-67).

As to claim 5, Lyberg teaches forwarding information to an information recipient (translated speech is outputted to another user, col. 5, lines 33-35).

As to claims 6, 8, 12, 13, and 14, Lyberg teaches said primary language and secondary language is any human language, which can be represented audibly (the input is speech, col. 5, lines 22).

As to claims 7 and 9, Lyberg teaches the primary language and secondary language are the official language of a country (translation between different languages (col. 5, lines 17-18), where it is inherent that the languages would be the official languages of a country).

As to claim 10, Lyberg teaches:

(a) sending information in an audible format to said information receiving means (recognizing the input speech, col. 5, lines 22-23);

(b) converting said information from a primary language to a secondary language via said information converting means (translating the first language into a second language, col. 5, lines 21-23); and

(c) forwarding said information in said audible format and said secondary language to said information recipient via said information forwarding means (synthesizing the translated speech, col. 5, lines 33-35).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

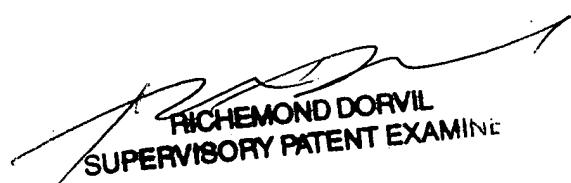
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas E. Shortledge whose telephone number is (571)272-7612. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TS
07/08/2005



RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINE